
Table of Contents

CHAPTER 1: Introduction	1
1.1 Summary of Benchbook Contents	1
1.2 Adoption Defined	3
1.3 Purposes of the Adoption Code.....	4
1.4 Best Interests of the Child or Adoptee	4
1.5 Docket Priority	5
CHAPTER 2: Freeing a Child for Adoption	7
2.1 Release of Parental Rights.....	8
2.2 Revocation of Release	20
2.3 Special Considerations for Fathers in Release Proceedings.....	24
2.4 Voluntary Termination of Parental Rights in a Child Protective Proceeding.....	25
2.5 Information to Accompany Release.....	26
2.6 Consent to Adoption	27
2.7 Withdrawal of Consent	38
2.8 Rehearing on a Consent to Adoption	39
2.9 Withholding Consent	40
2.10 Special Considerations for Fathers in Consent Proceedings	42
2.11 Termination of Parental Rights	44
2.12 Termination Pursuant to the Adoption Code.....	47
2.13 Termination Pursuant to a Step-Parent Adoption	59
2.14 Termination Pursuant to the Juvenile Code.....	65
2.15 Post-Termination Review Hearings in Child Protective Proceedings	69
2.16 Special Notice Provisions for Incarcerated Parties.....	70
CHAPTER 3: Identifying the Father	73
3.1 “Father” Defined	74
3.2 Due Process and Equal Protection for Fathers	76
3.3 Establishing a Father When a Child is “Born Out of Wedlock”	83

3.4	Hearing to Identify the Father Pursuant to the Adoption Code	85
3.5	Notice of Intent to Claim Paternity	89
3.6	Notice of Intent to Release or Consent	91
3.7	Acknowledgment of Parentage	92
3.8	The Paternity Act.....	97
3.9	Adjudication of Paternity in Another State	118
3.10	Putative Father Hearing — Child Protective Proceedings.....	119
3.11	The Uniform Interstate Family Support Act (UIFSA)	122
CHAPTER 4:	Jurisdiction, Venue, and Petition Requirements	125
4.1	Jurisdiction in Adoption Proceedings	125
4.2	Venue	125
4.3	Concurrent Jurisdiction and Notification Procedures	126
4.4	Interstate Compact on the Placement of Children (ICPC).....	129
4.5	International Adoptions.....	133
4.6	Petition Requirements	136
4.7	The Lawyer-Guardian Ad Litem Post-Termination in Child Protective Proceedings.....	146
4.8	Avoiding Giving Legal Advice to Unrepresented Petitioners and Others.....	148
CHAPTER 5:	Temporary Placements, Investigation Reports, and the Safe Delivery of Newborns	151
5.1	Temporary Placements.....	152
5.2	Preplacement Assessments	160
5.3	Prohibited Placements	164
5.4	Resolving Custody Disputes After a Temporary Placement.....	167
5.5	Investigative Report.....	171
5.6	Safe Delivery of Newborns Law	173
CHAPTER 6:	Formal Placement and Action on the Adoption Petition	185
6.1	Formal Placement of the Child	186
6.2	Prohibited Placements	194
6.3	Post-Placement Proceedings	197
6.4	Granting or Denying the Adoption Petition	200
6.5	Name Change and New Birth Certificate	202
6.6	Legal Rights and Obligations	205
6.7	Grandparent Visitation	206
6.8	Adult Adoption	207

CHAPTER 7: Rehearings, Appeals, Rescissions, and Dissolutions .211

7.1	Purposes of the Adoption Code	212
7.2	Rehearings	212
7.3	Appeals to the Family Division of Circuit Court	218
7.4	Appeals to the Court of Appeals.....	225
7.5	Stay of Order Pending Appeal.....	230
7.6	Reporting Amended, Annulled, or Rescinded Adoption Orders	230
7.7	Appeals to the Supreme Court	231
7.8	Rescission of Step-Parent Adoption.....	232
7.9	Dissolution of an Adoption.....	234

CHAPTER 8: Direct Placement Adoption, Step-Parent Adoption, Relative Adoption, and “Legal Risk” Placement237

8.1	Direct Placement Adoptions.....	237
8.2	Requirements for Attorneys and Adoption Facilitators	242
8.3	Step-Parent Adoption	250
8.4	Relative Adoption	251
8.5	“Legal Risk” Placements	252

CHAPTER 9: Record Keeping Requirements and Release of Information 255

9.1	Restrictions on Access to Records of Proceedings	255
9.2	Disclosure of Biological or Adoptive Parents’ Names	256
9.3	Releasing Nonidentifying and Identifying Information	256
9.4	Central Adoption Registry	257
9.5	Release of Nonidentifying and Identifying Information Pursuant to MCL 710.68	259
9.6	Release of Identifying Information for “Good Cause”	264
9.7	Confidential Intermediaries	268

CHAPTER 10: Paying the Costs of Foster Care and Adoption273

10.1	Foster Care Costs.....	273
10.2	Compensation for Adoption Services	274
10.3	Reporting and Accounting Requirements.....	278
10.4	Court Approval of Fees	279
10.5	Adoption Subsidies.....	280
10.6	Federal Funding for Adoption Assistance	288

CHAPTER 11: Adoption Proceedings Involving an Indian Child.....291

11.1	General Requirements of the Indian Child Welfare Act	291
1.2	Purpose of the Indian Child Welfare Act	292
1.3	Proceedings to Which the Indian Child Welfare Act Applies	292
1.4	Notice of Proceedings to Parent and Tribe or Secretary of Interior.....	295
1.5	Transfer of Case to Tribal Court.....	300
1.6	Appointment of Counsel	303
1.7	Examination of Reports or Other Documents.....	303
1.8	Additional Time Required to Prepare for Proceedings	304
1.9	Indian Custodian's and Tribe's Rights to Intervene in Proceedings	304
1.10	Preferred Placements of Indian Children	304
1.11	Required Procedures to Involuntarily Terminate Parental Rights.....	307
1.12	Requirements for Consent to Termination of Parental Rights.....	308
1.13	Adoption Order	310
1.14	Disruption of Adoption and Petition for Return of Child.....	310
1.15	Record Keeping and Nonidentifying Information	311
1.16	Invalidation of State Court Action for Violation of the Indian Child Welfare Act	312

APPENDIX A: Checklists **A-1**

APPENDIX B: SCAO Forms **B-1**

**APPENDIX C: Absent Parent Protocol: Finding and Notifying
Non-custodial Parents in Child Protective Cases.....** **C-1**

**APPENDIX D: Request for Verification of Notice of Intent to
Claim Paternity for Adoption Purposes.....** **D-1**

APPENDIX E: Affidavit of Parentage and Instructions..... **E-1**

APPENDIX F: Adoption Support Groups **F-1**

APPENDIX G: Legal Advice v Access to the Courts..... **G-1**

APPENDIX H: Safe Delivery of Newborns **H-1**

APPENDIX I: Michigan Adoption Subsidy Program Information Guidel-1

APPENDIX J: Adopting a Child in Michigan	J-1
APPENDIX K: FIA Forms for the Release of Identifying Information....	K-1
APPENDIX L: Bureau of Indian Affairs: Guidelines for State Courts; Indian Child Custody Proceedings	L-1
Subject Matter Index.....	Subject Matter Index-1
Citation Index	Citation Index-1
Case Citation Index	Case Citation Index-1